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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,850	04/13/2001	Ulrich Zimmermann	113737.6	2752

7590                    07/01/2002

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EXAMINER

NAFF, DAVID M

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ART UNIT

PAPER NUMBER

1651

DATE MAILED: 07/01/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/762850	Applicant(s) Zimmermann et al
Examiner Naft	Group Art Unit 1651

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- Responsive to communication(s) filed on 4/13/01.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 29-55 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) \_\_\_\_\_ is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) 29-55 are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

The preliminary amendment of 4/13/01 has been entered. The amendment amended the specification, canceled claims 1-28, and added new claims 29-55.

Claims in the application are 29-55.

5        Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.      Claims 29-42 and 52, drawn to a process of obtaining a highly-purified alginate composition by extracting algae in a solution with a complex forming agent, filtering the solution, precipitating alginate, collected and dewatering the precipitated alginate and repeating the steps at least once, and to an alginate composition resulting from the process containing a polymer that has a molecular weight greater than 350 kD, and containing mannuronic acid and guluronic acid in a ratio of about 0.1 to about 9, classified in class 536, subclass 3.

15       II.     Claims 43-51 and 53-55, drawn to an alginate composition containing a polymer having a molecular weight greater than 350 kD, and containing mannuronic acid and guluronic acid in a ratio of about 0.1 to about 9, classified in class 424, subclass 488.

The inventions are distinct, each from the other because:

20       The alginate composition of invention II can be prepared by a process different than required by invention I, and can be different from 25 an alginate composition resulting from the process of invention I in that

the alginate composition of invention II can have a purity different from the high-purity required to result from the process of invention I. The alginate composition of invention II can result from an alginate purification process that is known as disclosed in the specification 5 (pages 2 and 3).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

10 Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance 15 with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications 20 from the examiner should be directed to David M. Naff whose telephone number is (703) 308-0520. The examiner can normally be reached on Monday-Thursday and every other Friday from about 8:30 AM to about 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, a 25 message can be left on voice mail.

Application Number: 09/762,850  
Art Unit: 1651

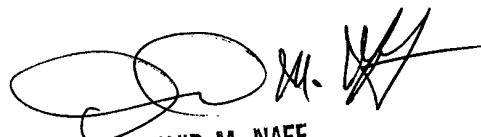
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn, can be reached at telephone number (703) 308-4743.

The fax phone number is (703) 872-9306 before final rejection or  
5 (703) 872-9307 after final rejection.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

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DMN  
6/28/02



DAVID M. NAFF  
PRIMARY EXAMINER  
ART UNIT 1651